

SENATE BILL NO. 423

INTRODUCED BY A. ELLIS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF TRUSTEES OF A SCHOOL DISTRICT, UPON RECEIPT OF A PETITION SIGNED BY ~~10-15~~ 10 PERCENT OR MORE OF THE QUALIFIED ELECTORS OF A DISTRICT REQUESTING THE CREATION OF A SINGLE-MEMBER TRUSTEE DISTRICT, TO SUBMIT THE PROPOSAL TO THE QUALIFIED ELECTORS OF THE DISTRICT; PROVIDING CRITERIA FOR SUBMISSION OF A PETITION TO THE BOARD; AMENDING SECTIONS 20-3-336 AND 20-3-337, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-336, MCA, is amended to read:

"20-3-336. Single-member trustee districts -- legislative intent -- minority defined. (1) It is the intent of the legislature to provide a board of trustees of a school district with the option to:

(a) review the voting and population patterns of minorities of the school district, as determined by the most recent federal decennial census, voting records, and other pertinent information; and

(b) create single-member trustee districts within the school district;

(i) if the board determines that the present trustee selection process does not serve the best interests of the electors of the district or ensure that the access of minority populations to the political process is not diluted in contravention of federal law; or

(ii) pursuant to a petition as provided in 20-3-337.

(2) "Minority", as used in 20-3-337 and this section, means a minority whose rights are protected under section 2 of the Voting Rights Act of 1965, (42 U.S.C. 1973), as amended."

Section 2. Section 20-3-337, MCA, is amended to read:

"20-3-337. Plan for creating single-member trustee districts -- petition election. (1) ~~The~~ Except as provided in subsection (8), the board of trustees of a school district may establish a procedure for studying the appropriateness of creating single-member trustee districts within the school district.

(2) If the board considers a single-member district plan, the plan must establish single-member

1 districts that:

2 (a) are as compact in area and as equal in population as possible; and

3 (b) provide equitable voting rights for the minorities residing within the school district by ensuring
4 that the access of minorities to the political process is not diluted in contravention of the Voting Rights
5 Act Amendments of 1982, Public Law 97-205.

6 (3) If the board determines that it is in the best interest of the electors of the school district, it
7 shall:

8 (a) propose creation of a single-member trustee district plan;

9 (b) schedule and hold a public hearing on the proposed plan; and

10 (c) publish in a newspaper of general circulation in the district a notice of the public hearing,
11 including a map of the proposed single-member trustee district plan, and the reasons why the board
12 believes that the plan satisfies the criteria set forth in subsection (2).

13 (4) After the public hearing is held, the board shall forward a copy of the proposed single-member
14 trustee district plan to the secretary of state and the superintendent of public instruction for review and
15 comment. The copy of the proposed plan must be accompanied by:

16 (a) a map indicating the circulation of the newspaper in which the notice required in subsection
17 (3) was published;

18 (b) the published notice of the public hearing;

19 (c) a map of the proposed single-member trustee district plan; and

20 (d) a summary of any public comments to the board regarding the proposed plan.

21 (5) After receiving comments from the secretary of state and the superintendent of public
22 instruction, the board of trustees may amend, revise, approve, or disapprove the proposed plan. If the plan
23 is adopted by the board, it shall:

24 (a) inform the county superintendent of schools of its adoption;

25 (b) publish notice of the adoption in a newspaper of general circulation within the district, including
26 identification of the boundaries of each new single-member trustee district and the implementation date
27 of the plan; and

28 (c) file with the county clerk and recorder a certificate designating the boundary lines and limits
29 of each single-member trustee district.

30 (6) All successors to the board of trustees must be elected in accordance with the adopted

1 single-member trustee district plan.

2 (7) ~~No~~ A change in the boundaries of a trustee district may not be made within 3 months
3 preceding a regular school election day as provided in 20-3-304.

4 (8) If the board receives a petition signed by ~~10%-15%~~ 10% or more of the qualified electors of
5 the school district, the board shall submit the request to create a single-member trustee district to the
6 electors who are qualified under 20-20-301 to vote upon the request. The petition submitted to the board
7 must:

8 (a) conform to the requirements of subsections (2)(a) and (2)(b);

9 (b) be forwarded to the secretary of state and the superintendent of public instruction for review
10 and comment;

11 (c) include a map of the proposed single-member trustee district, identifying the boundaries of
12 each new single-member trustee district and the implementation date of the district;

13 (d) be forwarded to the county clerk and recorder, designating the boundary lines and limits of
14 each single-member trustee district; and

15 (e) include a plan for election and terms OF TRUSTEES OF THE SINGLE-MEMBER DISTRICT, WHO MUST BE
16 RESIDENTS OF THE PROPOSED DISTRICT, AND PROVIDE FOR THE TERMS OF successors to the board of trustees in a
17 single-member trustee district approved by the electors.

18 (9) If the petition meets the requirements of subsection (8), the board shall call an election on the
19 question of whether to create a single-member trustee district. The election must be ~~called~~ HELD AT THE NEXT
20 SCHOOL ELECTION SCHEDULED PURSUANT TO 20-20-105 and MUST BE conducted in the manner prescribed by
21 this title for school elections. The published notice must include a map and a description of the boundaries
22 of the proposed district.

23 (10) If a majority of the votes cast at the election approve the creation of a single-member trustee
24 district, the election administrator shall, within 10 days of receipt of the official canvass of the result,
25 certify that the district is formed.

26 (11) WHEN A TRUSTEE POSITION BECOMES VACANT IN A SINGLE-MEMBER DISTRICT, THE POSITION MUST BE FILLED
27 IN ACCORDANCE WITH THE PROVISIONS OF 20-3-309, EXCEPT THAT THE POSITION MUST BE FILLED BY A PERSON WHO
28 RESIDES WITHIN THE SINGLE-MEMBER DISTRICT. "

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30 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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